



PATENT
Docket No.: 57953/1115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Benfey et al.

Serial No. : 09/265,585

Cnfrm. No. : 4702

Filed : March 10, 1999

For : SCARECROW GENE, PROMOTER AND
USES THEREOF

Examiner:
Stuart F. Baum

Art Unit:
1638

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SUBMISSION OF CORRECTED FORMAL DRAWINGS

Mail Stop RCE
Commissioner for Patents
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Alexandria, VA 22313-1450

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Dear Sir:

Enclosed for filing in the subject application are 100 sheets of corrected formal drawings.

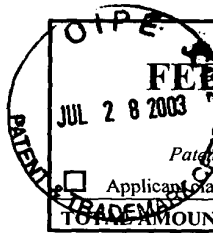
Respectfully submitted,

Date: July 25, 2003

Michael L. Goldman
Registration No. 30,727

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1304
Facsimile: (585) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)	
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Date	July 25, 2003 Jo Ann Whalen
	Jo Ann Whalen



FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,160

Complete if Known

Application Number	09/265,585
Filing Date	March 10, 1999
First Named Inventor	Philip N. Benfey
Examiner Name	Stuart F. Baum
Art Unit	1638
Attorney Docket No.	57953/1115

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:
Deposit Account Number 14-1138

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X = Fee Paid 0
Independent Claims -3** = X = Fee Paid 0
Multiple Dependent X = Fee Paid 0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,160

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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Date July 25, 2003

Signature Jo Ann Whalen

Typed or printed name

SUBMITTED BY

Name (Print/Type) Michael L. Goldman
Signature Michael L. Goldman

Registration No. 30,727
(Attorney/Agent)

Complete (if applicable)

Telephone (585) 263-1304
Date July 25, 2003

SEND TO: Commissioner for Patents
P.O. Box 1450
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61 RCE/1600

44

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/265,585
	Filing Date	March 10, 1999
	First Named Inventor	Philip N. Benfey
	Group Art Unit	1638
	Examiner Name	Stuart F. Baum
	Attorney Docket Number	57953/1115

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114	RECEIVED JUL 30 2003 TECH CENTER 1600/2
a. <input type="checkbox"/> Previously submitted	
i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).	
ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____	
iii. <input type="checkbox"/> Other _____	
b. <input checked="" type="checkbox"/> Enclosed	
i. <input checked="" type="checkbox"/> Amendment/Reply	iv. <input checked="" type="checkbox"/> Submission of Corrected Formal Drawings and 100 sheets of corrected formal drawings attached.
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)	v. <input checked="" type="checkbox"/> Petition for Two-month Extension of Time
iii. <input checked="" type="checkbox"/> PTO-1449 and 1 reference	
2. Miscellaneous	RECEIVED JUL 31 2003 TECH CENTER 1600/2900
a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(I) required)	
b. <input type="checkbox"/> Other _____	
3. Fees	
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, additional fees which may be required or imposed, and overpayments, to Deposit Account No. 14-1138	
i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)	
ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)	
iii. <input type="checkbox"/> Other _____	
b. <input checked="" type="checkbox"/> Check in the amount of \$1,160.00 is enclosed	
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Michael L. Goldman	Registration No. (Attorney/Agent)	30,727
Signature	<i>Michael L. Goldman</i>	Date	July 25, 2003

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Signature:	<i>Jo Ann Whalen</i>
Name:	Jo Ann Whalen

07/29/2003 SSANDARA 00000009 09265585

01 FC:1252

410.00 DP

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07/29/2003 SSANDARA 00000009 09265585

02 FC:1801

750.00 DP

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